

4 UNITED STATES OF AMERICA

5 V Case No. 17-20465

6 ABDUL HAQ - D- 4

7 Defendant.

8 _____ /

9 PLEA HEARING

10 BEFORE CHIEF JUDGE DENISE PA

U. S. DISTRICT COURT

12 251 W. LAFAYETTE STREET, CO

DETROIT, MICHIGAN

17

15 APPEARANCES:

16 FOR THE GOVERNMENT:

JACOB FOSTER,

SHANKAR RAMAMURTHY,

18 U. S. DEPARTMENT OF JUSTICE

19 ZEE W. FORT ST.,

SUITE 2001

DETROIT, MI 48

22 FOR THE DEFENDANT: KHALID A. KAHLOON

600 WEST MAIN STREET

24 SUITE 500

25 LOUISVILLE, KY 40202

1 I N D E X
2 PLEA HEARING 3
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8 E X H I B I T S
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10 GOVERNMENT'S 4 RULE 11 PLEA AGREEMENT
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1 Tuesday, October 3, 2017

2 Detroit, Michigan

3 At approximately 4:00 p.m.

4 THE CLERK: The Court calls case number

5 17-20465, United States of America versus Abdul Haq.

6 Will Counsel please identify themselves for the record.

7 MR. FOSTER: Good afternoon, Your Honor.

8 Jacob Foster on behalf of the United States.

9 THE COURT: Good afternoon.

10 MR. RAMAMURTHY: Shankar Ramamurthy on

11 behalf of the United States on issues of forfeiture.

12 MR. KAHLOON: Good afternoon, Your Honor.

13 Khalid Kahloon representing Dr. Haq.

14 THE COURT: Good af

15 And is it Dr. Haq?

16 MR. KAHLOON: Yes, Ma'am.

1 originals to tender.

2 THE COURT: So turn to pages 16 and 17 of
3 the originals and tell me if there are dates on those
4 pages?

5 MR. FOSTER: Yes, Your Honor.

6 THE COURT: There are on 16 and 17?

7 MR. FOSTER: Yes.

8 THE COURT: Very good.

9 You can come to the podium if you would.

10 And Dr. Haq, are you here to plead guilty?

11 THE DEFENDANT: Yes.

12 THE COURT: And can I issue, Counsel, the
13 standard oath?

14 MR. KAHLOON: Yes, Your Honor.

15 THE COURT: Please raise your right hand.

16 (Whereupon the Defendant was sworn by the
17 Court to tell the truth, the whole truth and nothing but
18 the truth.)

19 THE DEFENDANT: I do.

20 THE COURT: Thank you.

21 I'm going to ask you some questions about
22 the facts alleged in the Indictment and any answers you
23 may give may be used again you in a future prosecution
24 for perjury or false statement; do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: And what is your name for the
2 record?

3 THE DEFENDANT: Abdul Haq.

4 THE COURT: And do you understand you have a
5 constitutional right to remain silent and not
6 incriminate yourself?

7 THE DEFENDANT: Yes.

8 THE COURT: And do you wish to give up that
9 right for the purpose of pleading guilty?

10 THE DEFENDANT: Yes.

11 THE COURT: And I'm going to ask you a set
12 of questions, I ask them of everyone, okay?

13 THE DEFENDANT: Yes.

14 THE COURT: How old are you, sir?

15 THE DEFENDANT: I'm 71.

16 THE COURT: And how far did you go in
17 school?

18 THE DEFENDANT: What?

19 THE COURT: How far did you go in school?

20 THE DEFENDANT: I graduated in '69 and then
21 came here for my residency.

22 THE COURT: And when you say residency, you
23 mean residency --

24 THE DEFENDANT: Training. Residency
25 training.

1 THE COURT: In what area?

2 THE DEFENDANT: Pediatrics.

3 THE COURT: I'm sorry?

4 THE DEFENDANT: Pediatrics.

7 THE DEFENDANT: From medical school.

8 THE COURT: And what medical school was it?

11 THE COURT: And let me ask you this, are you
12 able to read, write and understand English?

13 THE DEFENDANT: Yes.

14 THE COURT: And did you have a chance to
15 read through the Indictment against you?

16 THE DEFENDANT: Yes.

17 THE COURT: And were you also able to read
18 through the Rule 11 Plea Agreement?

19 THE DEFENDANT: Yes.

20 THE COURT: And today did you take any
21 medication?

22 THE DEFENDANT: Yes, blood pressure
23 medication.

24 THE COURT: Does it impact your ability to
25 think and reason?

1 THE DEFENDANT: No, I don't think so.

2 THE COURT: And did you take it today as you
3 usually take it?

4 THE DEFENDANT: Yes.

5 THE COURT: And did you use any drugs or
6 alcohol today?

7 THE DEFENDANT: No.

8 THE COURT: Do you understand you have a
9 right to have an attorney with you at every stage of the
10 proceedings and if you cannot afford one, I would
11 appoint one for you at no cost to you.

12 THE DEFENDANT: Yes, I have attorney.

13 THE COURT: You have your attorney with you
14 today?

15 THE DEFENDANT: Yes.

16 THE COURT: And has he been your attorney
17 throughout these proceedings?

18 THE DEFENDANT: Yes.

19 THE COURT: Were you the attorney at the
20 arraignment?

21 MR. KAHLOON: No, Your Honor.

22 THE COURT: Who was at arraignment?

23 THE DEFENDANT: Paul Stablein.

24 MR. KAHLOON: I substituted in, Your Honor.
25 He was the attorney at the arraignment.

1 MR. FOSTER: Paul Stablein, Your Honor.

2 THE COURT: And then you were hired
3 separately, is it Mr. Kahloon?

4 MR. KAHLOON: Yes, Ma'am.

5 THE COURT: And when did you first appear in
6 the case?

7 MR. KAHLOON: Your Honor, I filed an
8 appearance probably a couple months ago. In July.

9 THE COURT: After the arraignment?

10 MR. KAHLOON: That's correct, Your Honor.

11 THE COURT: And did Mr. Kahloon represent
12 you during the negotiations of the plea agreement?

13 THE DEFENDANT: Yes.

14 THE COURT: And are you satisfied with his
15 advice and services so far?

16 THE DEFENDANT: Yes.

17 THE COURT: Did you talk about pleading
18 guilty with him?

19 THE DEFENDANT: Yes.

20 THE COURT: And did he go over the Rule 11
21 Plea Agreement with you?

22 THE DEFENDANT: Yes.

23 THE COURT: And are you satisfied -- well,
24 did he explain your constitutional rights to you?

25 THE DEFENDANT: Yes.

1 THE COURT: I'm going to explain those
2 rights again and if you have any questions, this is the
3 time to ask those questions, okay.

4 THE DEFENDANT: All right.

5 THE COURT: Do you understand you have a
6 constitutional right to plead not guilty and to have a
7 trial?

8 THE DEFENDANT: Yes.

9 THE COURT: And do you understand you will
10 give up that rights if you plead guilty?

11 THE DEFENDANT: Yes.

12 THE COURT: And do you understand that you
13 could have a trial before a jury?

14 THE DEFENDANT: Yes.

15 THE COURT: And do you know what a jury is?

16 THE DEFENDANT: Yes.

17 THE COURT: And do you understand that
18 you're presumed to be innocent until you're proven
19 otherwise?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you understand that the
22 Government has the burden of proving your guilt beyond a
23 reasonable doubt?

24 THE DEFENDANT: Yes.

25 THE COURT: And do you understand that means

1 that you have the right to have their witnesses come
2 into open court and testify in open court against you?

3 THE DEFENDANT: Yes.

4 THE COURT: And do you understand you and
5 your attorney could cross exam or question anybody that
6 was called by the Government as a witness?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And do you understand that if
9 you wanted to you could present your own witnesses at
10 trial?

11 THE DEFENDANT: Yes.

12 THE COURT: And do you understand if they
13 would not voluntarily appear that I would order them to
14 court for you?

15 THE DEFENDANT: Yes.

16 THE COURT: And do you also understand that
17 you have the right to remain silent during your trial?

18 THE DEFENDANT: Yes.

19 THE COURT: And do you understand your
20 silence could not be used against you by the Judge or by
21 the jury?

22 THE DEFENDANT: Yes.

23 THE COURT: And likewise do you understand
24 that if you wanted to testify, we would give you a
25 chance to testify in open court?

1 THE DEFENDANT: Yes.

2 THE COURT: And do you understand you will
3 give up all those rights if you plead guilty?

4 THE DEFENDANT: Yes.

8 THE DEFENDANT: Yes.

12 THE DEFENDANT: Yes.

13 THE COURT: And Count 1 is a conspiracy to
14 commit health care fraud against the Medicare program;
15 is that correct?

16 THE DEFENDANT: Yes.

17 THE COURT: And this Indictment alleges
18 that, and I'm going to start on page 10, and it alleges
19 that you operated an operation called Global Quality
20 Aqua Therapy, Tri-County Physicians, Tri-State
21 Physicians, New Center Medical, National Laboratories
22 and Tri-County Wellness collectively referred to as
23 Tri-County Network.

24 And in Count 1, which is the conspiracy, it
25 alleges that from 2008 and continuing through the date

1 of the Indictment that you along with others did
2 willfully and knowingly conspire, combine, confederate
3 and agree with each other and others known and unknown
4 to the grand jury including Home Health Agency Owner 1,
5 Diagnostic Company 1 and Physician 1 to commit certain
6 offense against the United States; namely, to knowingly
7 and willfully execute a scheme and artifice to defraud a
8 health care benefit program affecting commerce, that
9 being the Medicare program. And to obtain by means of
10 materially false and fraudulent pretenses,
11 representations and promises, money and property owned
12 by and under the control and custody of said health care
13 benefit program in connection with the delivery of and
14 payment for health care benefits, terms and services, in
15 violation of federal law.

16 Is that a sufficient statement of the
17 offense?

18 MR. FOSTER: It is, Your Honor. Just to
19 correct one thing. It's the Defendant Mashiyat Rashid
20 who owns and operates the clinics that you listed.

21 Dr. Haq, on page 10, at paragraph 30, he was
22 a physician who was enrolled as a participating provider
23 for Aqua Therapy, Tri-County Physicians --

24 THE COURT: I'm sorry. It is in paragraph
25 30, which I intended to read 27, 28, 29 and 30, but I

1 thought I could just read 27. But 30 alleges that he
2 was a physician licensed in the state of Michigan,
3 enrolled as a participating provider with Medicare for
4 Aqua Therapy, Tri-County Physicians and Tri-State
5 Physicians which are part of the Tri-County Network
6 organization; is that correct?

7 THE DEFENDANT: Yes.

8 THE COURT: Is that now a sufficient reading
9 of the claims against him?

10 MR. FOSTER: Yes, Your Honor. And including
11 by reference Part C of the Rule 11 which begins on page
12 2.

13 THE COURT: And I would also note that he is
14 also specifically mentioned in paragraphs 46, 47 and 48
15 of the -- and 51 of the Indictment; is that correct?

16 THE DEFENDANT: Yes.

17 THE COURT: Those are all the paragraphs I
18 think he is mentioned in in Count 1 Counsel, do you
19 agree?

20 MR. FOSTER: And 52, 56 and 57 as well, Your
21 Honor.

22 THE COURT: And those are all related to
23 Count 1?

24 MR. FOSTER: Yes.

25 THE COURT: Do you want me to read them,

1 Counsel?

2 MR. KAHLOON: No, Your Honor.

3 THE COURT: How about you, Dr. Haq, would
4 you like me to read those specific paragraphs?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: And you, as I indicated,
7 understand that the maximum penalty is 10 years in
8 prison and the maximum fine is \$250,000?

9 THE DEFENDANT: Yes, I understand, Your
10 Honor.

11 THE COURT: Are you on probation, parole or
12 do you have any other inmate status?

13 THE DEFENDANT: I'm on probation for my
14 license.

15 THE COURT: You're on probation for your
16 license. Is that through the licensing agency, not
17 through a court?

18 THE DEFENDANT: Licensing agency, not
19 through a court.

20 THE COURT: And let's hear the pertinent
21 parts of the Rule 11 Plea Agreement, Counsel.

22 MR. FOSTER: Yes, Your Honor. The
23 Defendant, as you indicated, will enter a plea of guilty
24 to Count 1 of the Indictment.

25 There are no sentencing guidelines disputes.

1 The Defendant's guideline range is 97 to 121 months
2 except if the Court finds that the Defendant's Criminal
3 History Category is higher than reflected on the
4 attached worksheet or the offense level should be higher
5 because after pleading guilty Defendant made a false
6 statement, Section 3 of the Rule 11 provides that the
7 Court will impose a sentence pursuant to 18 U.S.C.
8 Section 3553 and in doing so must consider the
9 sentencing guideline range.

10 In terms of imprisonment, the sentence in
11 this case may not exceed the top of the sentencing
12 guideline range recommended by the Government as
13 previously described.

25 Forfeiture, the Defendant has agreed to

1 forfeit to the United States his interest in all
2 property real or personal which constitutes or is
3 derived directly or indirectly from gross proceeds
4 traceable to the conspiracy alleged in Count 1 of the
5 Indictment.

6 He also agrees to forfeit all funds subject
7 to civil forfeiture, has property involved in or
8 traceable to property involved in money laundering.

9 And there are specific items of forfeiture
10 that the Defendant has agreed to which are all funds on
11 deposit and all other items of value in the University
12 Bank Islamic Profit Sharing account number 1083155;

13 All funds on deposit and all other items of
14 value in Wells Fargo Advisors account number 3282-3501;

15 All funds on deposit and all other items of
16 value in the Wells Fargo Advisors account number
17 37164947;

18 And all funds on deposit and all other items
19 of value in Wells Fargo Advisors account number
20 4210-8906.

21 And the Defendant has agreed to a forfeiture
22 money judgment in the amount of \$6,927,046.12.

23 (The following portion ordered sealed by the
24 Court.)

25 The Rule 11 Agreement provides for the use

1 of a withdrawn guilty plea. If the Court allows the
2 Defendant to withdraw his guilty plea, the Defendant
3 waives his rights under Rule 410 and the Government may
4 use his guilty plea and any statement made under oath at
5 the plea hearing and the factual basis statement in the
6 plea agreement against him in any proceeding.

7 The agreement also provides that the
8 Defendant understands and acknowledges that as a result
9 of his plea, the Defendant will be excluded from
10 Medicare, Medicade and all federal health care programs.

11 Provision number 7 is the right to withdraw.
12 The Government may withdraw if the Court finds the
13 correct guideline range to be different than is
14 determined by Paragraph 2-B.

15 The Defendant may withdraw only if the Court
16 decides to impose a sentence higher than the maximum
17 allowed by Part 3 of the agreement.

18 Section 8 of the agreement is an appellate
19 waiver. The Defendant waives any right he may have to
20 appeal his conviction on any grounds.

21 Clause 9 are the consequences of withdrawal
22 of the guilty plea. The Defendant is allowed to
23 withdraw his guilty plea or if any conviction entered
24 pursuant to this agreement is vacated, the Court shall
25 on the Government's request reinstate any charges that

1 were dismissed as part of the agreement.

2 In terms of the parties, the agreement does
3 not bind any agency except the United States Department
4 of Justice, Fraud Section, and the U.S. Attorney's
5 Office for the Eastern District of Michigan.

6 (The following portion ordered sealed by the
7 Court.)

8 THE COURT: Is there any part, Mr. Kahloon,
9 of the written Rule 11 Plea Agreement that has not been
10 read that you would like to be part of the oral record?

11 MR. KAHLOON: No, Your Honor.

12 THE COURT: Dr. Haq, is that your agreement
13 with the Government?

14 THE DEFENDANT: Yes.

15 THE COURT: Can I see the signature pages
16 that are complete? Is it marked as an exhibit?

17 MR. FOSTER: It is marked as Government's
18 Exhibit D-4.

19 THE COURT: That's fine. You may bring it
20 up.

21 Is that your agreement with the Government?

22 THE DEFENDANT: Yes.

23 THE COURT: Has anyone on behalf of the
24 Government, either the Government's attorney or any
25 agent or anyone else promised you anything else?

1 THE DEFENDANT: No. .

2 THE COURT: Has anyone on behalf of your
3 defense counsel promised you anything other than what is
4 included in the Rule 11 Plea Agreement?

5 THE DEFENDANT: No.

6 THE COURT: And has anyone forced or
7 threatened you to get you to plead guilty?

8 THE DEFENDANT: No. .

11 THE DEFENDANT: No.

12 THE COURT: And are you pleading guilty
13 freely and voluntarily?

14 THE DEFENDANT: Yes.

17 THE DEFENDANT: Yes.

18 THE COURT: And Mr. Kahloon, is that your
19 signature also?

20 MR. KAHLOON: Yes, Your Honor.

23 MR. FOSTER: Yes, Your Honor.

1 MR. FOSTER: Yes, I do, and those are their
2 signatures.

6 MR. FOSTER: Yes, Your Honor.

9 MR. FOSTER: Sure.

10 May I approach?

11 THE COURT: Yes.

12 I would also note -- are there signatures on
13 the other agreement?

14 MR. FOSTER: Yes, Your Honor.

15 (The following portion ordered sealed by the
16 Court.)

19 MR. FOSTER: Yes, there are.

20 THE DEFENDANT: Yes, my signature.

21 THE COURT: And you know those to be the
22 Government's signatures; is that correct?

23 MR. FOSTER: Yes, that is correct.

24 THE COURT: And that agreement I'm ordering
25 to be sealed and the portion of the record pertaining to

1 it also are sealed, okay.

2 At the request of the Government; is that
3 agreeable to you?

4 MR. KAHLOON: Of course.

5 THE COURT: And it does not reflect any
6 specific amount of reduction; is that correct?

7 MR. KAHLOON: That is correct, Your Honor.

8 THE COURT: Mr. Foster, I would also note
9 that the Rule 11 Plea Agreement provides for notes that
10 the guideline range for this is 97 to 121 months. And I
11 can assure you that the Probation Department -- is that
12 right, on page?

13 MR. FOSTER: That is correct, Your Honor.

14 THE COURT: And I'm sure that the Probation
15 Department is going to tell us that the guideline range
16 will be 97 to 120 months because the maximum penalty is
17 10 years in prison; is that right?

18 MR. FOSTER: That is correct, Your Honor.

19 THE COURT: You all understand that as well?

20 THE DEFENDANT: Yes.

21 THE COURT: So your agreement not to exceed
22 the top of the guidelines the Court would take as an
23 agreement not to exceed 120 months.

24 MR. FOSTER: Yes, that's correct, Your
25 Honor.

1 THE COURT: Very good.

4 MR. KAHLOON: Yes, Your Honor.

5 THE COURT: What about you, Mr. Foster?

6 MR. FOSTER: Yes, I am, Your Honor.

7 THE COURT: Dr. Haq, what did you do to be
8 guilty?

11 THE COURT: What did you do to be guilty of
12 conspiracy to commit health care fraud in Count 1 of the
13 Indictment?

19 THE COURT: And then did you bill Medicare
20 for them?

25 THE COURT: And were the people involved the

1 people that are noted in the Indictment?

2 THE DEFENDANT: Yes.

3 THE COURT: And when did this happen?

4 THE DEFENDANT: This happened, actually had
5 been happening since 2008 with the Aqua Therapy and then
6 the Tri-County Physicians opened.

7 THE COURT: And so that was from sometime in
8 2008 until sometime in 2017?

9 THE DEFENDANT: Right. Up to, yeah.

10 THE COURT: Up to the date of the
11 Indictment?

12 THE DEFENDANT: Just before, because I left
13 the -- that group in January.

14 THE COURT: And where did this occur?

15 THE DEFENDANT: It occurred initially at
16 3800 Woodward Avenue and then it was the office changed
17 to West Grand Boulevard. I think the address is 3011
18 West Grand Blvd., Room 305.

19 THE COURT: And that all would be in the
20 City of Detroit?

21 THE DEFENDANT: Yes.

22 THE COURT: Turn to page 3 of the Rule 11
23 Plea Agreement, please. And you'll see there a
24 paragraph -- I'm sorry, turn to page 2. You'll see a
25 paragraph that says, Factual Basis for Guilty Plea, and

1 it continues over until I believe page 5. And would you
2 read that to yourself because then I'm going to ask you
3 some questions about it.

4 No, no, just read it to yourself.

5 (Whereupon the Defendant reviews the
6 document.)

7 THE DEFENDANT: Yes, Your Honor, I read
8 that.

9 THE COURT: Is that an accurate factual
10 basis for your involvement in this conspiracy?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Are you satisfied, Counsel, or
13 do you have any questions, Mr. Foster?

14 MR. FOSTER: I'm satisfied.

15 THE COURT: Counsel, are you satisfied?

16 MR. KAHLOON: Yes, Your Honor.

17 THE COURT: Then I find that Dr. Haq's plea
18 is freely and voluntarily made, that he understands his
19 constitutional rights and has made out the elements of
20 the offense in open court and also accepts the factual
21 basis of the Rule 11 Plea Agreement. And therefore, I
22 will accept his plea of guilty and the Rule 11 Plea
23 Agreement.

24 You understand that the Rule 11 Plea
25 Agreement also contains that forfeiture information that

1 is listed on page --

2 MR. KAHLOON: Eight.

3 THE COURT: And continued on 9, 10 and 11, I
4 believe. Do you understand that, Dr. Haq?

5 THE DEFENDANT: Yes.

6 THE COURT: I would note, Counsel, that you
7 have listed as restitution some \$6,927,046.12, but over
8 here on page 5 you have listed that there were false
9 submissions of \$19,322,846; is that correct?

10 MR. FOSTER: That is correct.

11 THE COURT: But you only intend the
12 restitution of 6 point 9; is that right?

13 MR. FOSTER: That's correct.

14 THE COURT: Is the 19 million the loss
15 amount or is the 6 point 9 going to be the loss amount?

16 MR. FOSTER: Just one second, Your Honor.

17 Yes, the 19 million is the loss amount for
18 purposes of intended loss or represents the amount
19 billed to the Medicare program whereas the 6 million --

20 THE COURT: -- point 9 is the actual amount
21 paid out by Medicare?

22 MR. FOSTER: That is correct, Your Honor.

23 THE COURT: You understand that as well, Mr.
24 Kahloon?

25 MR. KAHLOON: We do, Your Honor.

1 THE COURT: And Dr. Haq, do you understand
2 that also?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: And you all don't dispute those
5 amounts?

6 THE DEFENDANT: No. .

10 THE CLERK: May 24th, 2018 at 2 p.m.

11 THE COURT: What day of the week is that?

12 THE CLERK: That is a Thursday.

13 THE COURT: At 2 p.m.?

14 THE CLERK: Yes.

15 THE COURT: Thank you very much. Anything
16 else that we need to take up today?

17 MR. FOSTER: No, Your Honor.

18 MR. KAHLOON: No.

19 THE COURT: You're going to submit some kind
20 of preliminary order of forfeiture or have you already
21 done that?

22 MR. RAMAMURTHY: We have not done that, Your
23 Honor, and we will do that shortly.

24 THE COURT: Very good.

25 And your client is on pretrial release; is

1 that correct?

2 MR. KAHLOON: Yes, Your Honor.

3 THE COURT: Those conditions continue until
4 the time you appear for sentencing, all right?

5 THE DEFENDANT: Okay.

6 THE COURT: And you also will have to be
7 interviewed for a presentence report by the Probation
8 Department, and when you're interviewed, your counsel
9 can go with you, all right?

10 THE DEFENDANT: Okay. Yes.

11 THE COURT: Do you have any questions?

12 THE DEFENDANT: No.

13 THE COURT: Thank you very much and court's
14 in recess.

15 (Proceedings concluded at 4:39 p.m.)

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C E R T I F I C A T I O N

I, CHERYL E. DANIEL, Official Federal Court Reporter, after being first duly sworn, say that I stenographically reported the foregoing proceedings held on the day, date, time and place indicated. That I caused those stenotype notes to be translated through Computer Assisted Transcription and that these pages constitute a true, full and complete transcription of those stenotype notes to the best of my knowledge and belief.

I further certify that I am not of counsel nor have any interest in the foregoing proceedings.



Cheryl E. Daniel
/C/ CHERYL E. DANIEL,

CHERYL E. DANIEL,
FEDERAL OFFICIAL COURT REPORTER

DATED:

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